

Appl. No. 09/939,155
Reply to Office action of November 15, 2004
Docket. No.: IRI05446

REMARKS

In the November 15, 2004 Office Action, all of the pending claims (claims 1-20) were rejected. This Response amends claims 1, 2, 4-7, 11, 12, and 19 to correct grammatical or typographical errors or to improve the readability of the claim language. Notably, Applicant submits that the claim amendments do not alter the scope of the original claims, and that the claim amendments were not introduced in response to any prior art rejection. After entry of the foregoing amendments, claims 1-20 (20 total claims; 4 independent claims) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

Section 112 Rejection

Claim 19 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 19 has been amended to correct a typographical error, as identified by the Office Action. Notably, the scope of claim 19 has not been altered.

Applicant notes that the Office Action "rejected" claims 1-23 under §112, yet only specified reasons for the rejection of claim 19. Accordingly, Applicant assumes that the rejection of claims 1-18 and 20 under §112 is inadvertent and requests confirmation of this assumption from the Examiner.

Section 102 Rejection

Claims 1-15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Coussement, U.S. Pat. App. No. US 2004/0114441 A1 (hereinafter "Coussement"). Applicant respectfully traverses this rejection.

Coussement generally discloses a distributed hardware/software system for managing the status of human customer representatives (referred to as "agents" in Coussement) working in a communication or call center, such as a customer service call center. The system is designed to monitor and communicate the status of the customer service agents, i.e., whether or not they are present at their workstations, for use by the communication center itself or for the convenience of the customers calling in to the communication center. According to the Office Action, the relevant sections of Coussement can be found at paragraphs 0067 to 0076 of Coussement's specification. A detailed reading of Coussement, however, reveals that it does not teach each and every element recited in Applicant's claims 1-15.

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The system claimed and described by Applicant is significantly different than the Coussement system, and a brief summary of a simplified example system, with reference to Applicant's FIG. 1, will be provided to illustrate these differences. Briefly, the example system described in the application employs four primary components: a first user device (e.g., device 10); a second user device (e.g., device 80); a presence proxy; and a presence agent. The presence agent communicates with one or more second user devices, while the presence proxy communicates with the first user device. The presence proxy communicates with the presence agent (and with potentially any number of other presence agents). The presence proxy facilitates consolidation of messages between the first user device and second user devices, and the presence proxy functions as an "intermediary" between presence agents and the first user device. Notably, this general architecture is not disclosed or suggested by Coussement, as further explained below.

Regarding independent claim 1, the Office Action contends that Coussement teaches the step of "transmitting, by the first user to a presence proxy, a subscribe message for presence information of a second user" as recited in amended claim 1. The Office Action alleges that Coussement discloses this limitation at paragraph 0067. As an initial matter, the Office Action fails to identify anything in Coussement that represents the claimed "first user," "second user," or "subscribe message." Furthermore, paragraph 0067 of Coussement simply does not teach the step of transmitting a subscribe message. The Office Action also contends that Coussement teaches the step of "transmitting, by the presence proxy to a presence agent, the subscribe message, the presence agent related to the second user" as recited in amended claim 1. The Office Action alleges that Coussement discloses this limitation at paragraph 0067. As an initial matter, the Office Action fails to identify anything in Coussement that represents the claimed "presence agent." Furthermore, paragraph 0067 of Coussement simply does not teach the step of transmitting a subscribe message from a presence proxy to a presence agent. The Office Action suggests that Coussement's agent systems (see Coussement's FIG. 2, items 73 and 75) are equivalent to Applicant's presence agent. This analysis, however is flawed because Coussement does not teach or suggests the use of a "presence agent" as recited in Applicant's claims. Indeed, even assuming, *arguendo*, that Coussement's agent proxy server 18 can be considered to be akin to Applicant's presence proxy, the agent proxy server 18 communicates

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directly with the end user terminals without the use of a presence agent as recited in Applicant's claims.

For purposes of this traversal, claim 1 is representative of all the independent claims in the application (claims 1, 6, 11, and 16). In particular, the Office Action either mischaracterizes the Coussement disclosure or erroneously concludes that Coussement teaches some of the recited limitations. In other words, Applicant submits that Coussement is an inappropriate reference that simply does not teach the claimed subject matter. Should the Examiner decide to maintain this §102 rejection of claims 1-15, Applicant respectfully requests the Examiner to provide specific citations to the relevant sections of Coussement that allegedly teach the recited limitations.

For at least the above reasons, Coussement does not anticipate the invention of independent claims 1, 6, and 11. For the same reasons, Coussement does not anticipate the invention of claims 2-5, 7-10, and 12-15, which variously depend from claims 1, 6, and 11. Accordingly, Applicant requests the withdrawal of the §102 rejection of claims 1-15.

Section 103 Rejection

Claims 16-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Coussement in view of "Official Notice." Applicant respectfully traverses this rejection.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify a reference or to combine the teachings of multiple references. Second, there must be a reasonable expectation of success. Third, the prior art must teach or suggest all of the recited claim limitations. Of course, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicant's disclosure. Applicant respectfully submits that the Examiner has not met all of the above criteria.

Claim 16 is an independent claim and claims 17-20 variously depend from claim 16. For the same reasons discussed above in connection with the §102 rejection, Coussement does not teach or suggest the step of "transmitting by a presence agent a notify message to a presence proxy, the notify message including presence information of a second user," or the step of "transmitting the notify message by the presence proxy to the first user." Indeed, the Office Action does not indicate the elements of Coussement that are allegedly equivalent to

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Applicant's "presence agent," "notify message," or "presence proxy," thus making it difficult to respond in detail to the conclusions reached in the Office Action. Should the Examiner decide to maintain this §103 rejection of claims 16-20, Applicant respectfully requests the Examiner to provide specific citations to the relevant sections of Coussement that allegedly teach or suggest the recited limitations.

Applicant has not conceded the "Official Notice" approach taken by the Examiner. Rather, in view of the above remarks, Applicant submits that claims 16-20 are allowable notwithstanding the "Official Notice" proposed by the Examiner.

For at least the above reasons, the proposed modification of Coussement does not teach or suggest each and every limitation recited in any of claims 16-20. Accordingly, claims 16-20 are not unpatentable over Coussement, and Applicant requests the withdrawal of the §103 rejection of those claims.


Conclusion

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,
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Dated: January 31, 2005

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